

DAVID Y. IGE
GOVERNOR OF HAWAII



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BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

MINUTES
HAWAII HISTORIC PLACES REVIEW BOARD Meeting

DATE: SATURDAY, May 2, 2015
TIME: 11:00 a.m. to 3:30 p.m.
PLACE: Kalanimoku Building
1151 Punchbowl Street Room 132
Honolulu HI 96809

The following were in attendance:

MEMBERS: William Chapman Gerald DeMello
Thomas Lim Gary Nakatsuka
Nancy Peacock, AIA Laura Ruby
William Souza Wendy Tolleson
Ikaika Bantolina George Casen

STAFF: Alan S. Downer, Administrator
Kaiwi Yoon, Architecture Branch Chief
Linda L. W. Chow, Deputy Attorney General
Jessica Puff, Architectural Historian
Cicely Lorenzo-Ganir, Secretary III

GUESTS: Megan Borthwick Don Hibbard
Dan Purcell Ross Stephenson
Carol Stephenson Jeff Dodge, AIA
Matt McDermott Kiersten Faulkner

The meeting was called to order at 11:06 a.m. by Chair William Chapman.

A. AGENDA

Approval of the May 2, 2015 Agenda

Action: A motion was made by Laura Ruby to add an agenda item to ask the Attorney Generals' (AG) office questions regarding site visits and official protocol for site visits, seconded by Nancy Peacock.

Vote: 7 in favor (Tolleson, DeMello, Casen, Souza, Ruby, Lim, Nakatsuka); 3 opposed (Chapman, Peacock, Bantolina)

Action: A motion was made by Thomas Lim to approve the amended agenda, seconded by Gerald DeMello.

Vote: 9 in favor (Tolleson, DeMello, Peacock, Chapman, Souza, Casen, Ruby, Lim, Nakatsuka); 1 opposed (Bantolina).

B. MINUTES

Approval of the November 22, 2014 Minutes

The following amendments were made to the Nov. 22, 2014 Minutes:

(1) Correction and clarification of motions and votes made on the Milton I Residence and the Mother Waldron Park Playground – Nomination Update.

(2) More detailed nomination presentation and discussion section for the Milton I Residence and the Mother Waldron Park Playground – Nomination Update.

Action: A motion was made by George Casen to approve the amended Nov. 22, 2014 meeting minutes, seconded by Thomas Lim.

Vote: All in favor (Tolleson, Bantolina, DeMello, Peacock, Chapman, Casen, Souza, Ruby, Lim, Nakatsuka).

Action: A motion was made by Laura Ruby to move up the Hotel Honoka'a Club, Honoka'a People's Theater, and Kahului Railroad Administration Building to the beginning of the nomination section of the meeting, seconded by Nancy Peacock.

Vote: All in favor (Tolleson, Bantolina, DeMello, Peacock, Chapman, Casen, Souza, Ruby, Lim, Nakatsuka).

Recess was taken at 1:12 p.m. to 1:24 p.m.

Action: A motion was made by Gerald DeMello to move up the Tanabe Residence to the nomination section of the meeting after the recess, seconded by Nancy Peacock.

Vote: All in favor (Tolleson, Bantolina, DeMello, Peacock, Chapman, Casen, Souza, Ruby, Lim, Nakatsuka).

C. SHPD REPORT

Status of the CAP

Alan Downer, SHPD Administrator, provided an update. On May 14, 2014, Downer hand-delivered the CAP Report to the National Park Service (NPS) that fulfilled 41 of the 42 required items. The audit was pending selecting a firm. In June, NPS approved 40 of the 41 items submitted. They did not approve the data management plan.

To date, the audit has been completed. It was submitted to the NPS on April 29, 2015 (Wednesday). The audit revealed many administrative findings from 2010, 2011, and 2012 that have been corrected or will be subsequently corrected. The audit revealed some questions about costs.

The data management plan draft is undergoing review by DLNR's Information Technology office before it will be submitted to the NPS. Digitizing SHPD's files is an enormous job.

Downer was reasonably optimistic about the audit, and that it was much better than it could have been.

2015 Legislative Session

HB 500: SHPD's base budget remains unchanged. There was a change of funding for 1 position from General Funds to Special Funds. Funds were added for three positions: Librarian, Ethnographer, Office Assistant.

SB 1299: Affected many DLNR divisions besides SHPD. SHPD positions were removed.

HB 830: The bill passed out of conference. This bill would exempt private residences and town houses from SHPD review unless they are on the State Register or in the boundaries of a historic district.

SB 504: Provided \$100,000 per year for two year funding to do an Architectural Survey. Provided \$150,000 per year for two years for the data management plan.

HB 611: Rolled into SB 504.

D. DISCUSSION OF BOARD AND BOARD MEMBER DUTIES AND RESPONSIBILITIES

Downer clarified that the Review Board is administratively attached to DLNR, although it is an independent board. The Executive Authority of DLNR is invested in the Board. The role of SHPD is to provide administrative support to the Review Board. The Review Board is bound by Hawaii State law. It is the Review Board's responsibility to comply with it. The Board's formal responsibility is to make the decision to forward nominations to the State Register. The State Historic Preservation Officer makes the final decision to forward nominations to the National Register. Governor Ige appointed Downer as the Deputy State Historic Preservation Officer (SHPO). To date, the Governor has not changed his appointment of Carty Chang as the SHPO. At a meeting in the coming week with Chairperson Suzanne Case, Downer will find out more. According to the National Historic Preservation Act, the SHPO is appointed by the Governor. Downer added that minutes of the meeting and nominations are part of the administrative record. Earlier decisions are an expression of public policy.

The Board asked that reports, nominations, and the agenda for an upcoming meeting get to them in a timely manner. Downer clarified that an agenda is set 45 days prior to a meeting to give notice to property owners.

Casen pointed out the need for additional staff. Downer asked the Governor for 17 additional staff. The Governor approved of 9. Then after the Senate, SHPD ended up with three positions.

E. NOMINATIONS

Agner R. and Ruth M. Nylén Residence

3024 Diamond Head Road
Honolulu, HI 96815
Tax Map Key (1) 3-1-034:029

This nomination was presented by Don Hibbard.

<u>Action:</u>	A motion was made by Nancy Peacock to nominate the residence to the State Register, with further recommendation to the National Register.
<u>Seconded:</u>	George Casen
<u>Criteria:</u>	A and C
<u>Level of Significance:</u>	Local
<u>Vote:</u>	9 in favor (Tolleson, DeMello, Peacock, Chapman, Casen, Souza, Ruby, Lim, Nakatsuka); 1 abstain (Bantolina).

George and Phyllis Hogan Residence

406 Dune Circle
Kailua, HI 96734
Tax Map Key (1) 4-3-017:032

This nomination was presented by Don Hibbard.

Action: A motion was made by Gary Nakatsuka to nominate the residence to the State Register, with further recommendation to the National Register.
Seconded: Nancy Peacock
Criterion: C
Level of Significance: Local
Vote: All in favor (10; Tolleson, Bantolina, DeMello, Peacock, Chapman, Casen, Souza, Ruby, Lim, Nakatsuka).

Sannojo and Tazu Tanabe Residence

2343 Oahu Avenue
Honolulu, HI 96822
Tax Map Key (1) 2-9-005:054

This nomination was presented by Don Hibbard.

Action: A motion was made by William Souza to nominate the residence to the State Register, with further recommendation to the National Register.
Seconded: Thomas Lim
Criteria: A and C
Level of Significance: Local
Vote: All in favor (10; Tolleson, Bantolina, DeMello, Peacock, Chapman, Casen, Souza, Ruby, Lim, Nakatsuka).

Charles C. Gates Residence

3223 Noela Street
Honolulu, HI 96815
Tax Map Key (1) 3-1-027:002

This nomination was presented by Don Hibbard.

Action: A motion was made by Nancy Peacock to nominate the residence to the State Register, with further recommendation to the National Register.
Seconded: Laura Ruby
Criterion: C
Level of Significance: State
Vote: 9 in favor; 1 not present for voting (Tolleson).

Gordon and Hilda Hayes Residence

1921 Komaia Drive
Honolulu, HI 96822
Tax Map Key (1) 2-9-017:017

This nomination was presented by Don Hibbard.

Action: A motion was made by Ikaika Bantolina to nominate the residence to the State Register, with further recommendation to the National Register.
Seconded: Gerald DeMello
Criterion: C
Level of Significance: Local
Vote: 9 in favor (Tolleson, Bantolina, DeMello, Peacock, Chapman, Souza, Ruby, Lim, Nakatsuka); Casen left the meeting at 2:30 p.m.

Kahului Railroad Administration Building

101 East Kaahumanu Avenue
Kahului, HI 96732
Tax Map Key (2) 3-7-010:036

This nomination was presented by Don Hibbard.

Action: A motion was made by George Casen to nominate the residence to the State Register, with further recommendation to the National Register.
Seconded: Gerald DeMello
Criteria: A and C
Level of Significance: Local
Vote: All in favor (10; Tolleson, Bantolina, DeMello, Peacock, Chapman, Casen, Souza, Ruby, Lim, Nakatsuka).

Hotel Honokaa Club

45-3480 Mamane Street
Honoka‘a, HI 96727
Tax Map Key (3) 4-5-006:013

This nomination was presented by Ross Stephenson.

Members Ruby and Tolleson recused themselves, and left the Board Room. They had assisted with the nomination.

<u>Action:</u>	A motion was made by Nancy Peacock to nominate the building to the State Register, with further recommendation to the National Register.
<u>Seconded:</u>	Ikaika Bantolina
<u>Criteria:</u>	A and C
<u>Level of Significance:</u>	State
<u>Vote:</u>	8 in favor (Bantolina, DeMello, Peacock, Chapman, Casen, Souza, Lim, Nakatsuka).

Honokaa People’s Theater

45-3574 Mamane Street
Honoka‘a, HI 96727
Tax Map Key (3) 4-5-016:011 & 056

This nomination was presented by Ross Stephenson.

Members Ruby and Tolleson recused themselves, and left the Board Room. They had assisted with the nomination.

<u>Action:</u>	A motion was made by Thomas Lim to nominate the residence to the State Register, with further recommendation to the National Register.
<u>Seconded:</u>	Ikaika Bantolina
<u>Criteria:</u>	A and C
<u>Level of Significance:</u>	State
<u>Vote:</u>	8 in favor (Bantolina, DeMello, Peacock, Chapman, Casen, Souza, Lim, Nakatsuka).

F. ADDED AGENDA ITEM: OFFICIAL PROTOCOL QUESTIONS FOR THE ATTORNEY GENERALS' OFFICE REGARDING SITE VISITS

Chair Chapman inquired of the Attorney Generals' Office – Linda Chow for a statement of policy regarding site visits.

Attorney General (AG) Chow presented three options to the Board:

1) Site visits involving the whole Review Board will need to be noticed per Sunshine Law, in order to accommodate members of the public that would like to attend. Where impracticable for the public to attend, notice needs to be made, especially in areas where terrain may not permit some members of the public to attend.

2) Limited Meeting: 2/3 of the Board Members need to vote to hold a Limited Meeting. Needs concurrence from the Director of the Office of Information Practices (OIP). A videotape needs to be made of the entire meeting. The Board members need to be kept together, no separating into groups not being videotaped.

3) Permitted Action Group: Involves more than two Review Board members going on a site visit. 3 criteria needs to be met: a) A task group needs to be established, giving the Permitted Action Group purpose. b) The task group will report back to the rest of the Review Board on its findings from the site visit. c) The Review Board will act on any information provided by the task group. The nomination will then be taken up at a subsequent Review Board meeting.

Dr. Downer noted that with the Permitted Action Group, nominations can take up to a year to get voted on by the Review Board.

Peacock added that she takes photos at the site visit for her own memory.

Lim inquired if it was possible for SHPD to pre-screen non-ADA accessible nominations. Chair Chapman added that nominations are 50+ years old, therefore non-ADA compliant. Lim added that 80-90% of these nominations were never intended for public access.

AG Chow also noted that the private property owner may not give consent to having others (members of the public) on the property.

Peacock inquired if the Board could have an increment schedule (15 to 20 minutes) in which 2 members of the Board inspect the property. AG Chow said that is not permitted, it is intentionally not complying with the Sunshine Law.

Peacock added that the act of going to collect information (on site visits) is being denied.

Chair Chapman noted that he is used to making decisions based on what is on the nomination. However, he has had cases where the site visit makes the difference. The site visit conveys the character of the site, when the photographs and the plan don't tell the story.

Peacock added that sometimes you cannot tell from the documents whether the features are accurate or not.

Lim agreed that it is like looking at a book; you reconstruct to see the different relationships that cannot be quantified in written form.

Tolleson added that members of the Board are not all architects.

DeMello agreed that they all have a different point of view.

Souza added that they do not all speak the same “language”.

Chair Chapman noted that the nomination is limited in the number of photographs that are included; it is not for purposes of decision-making.

Dr. Downer understands the Board’s concerns.

AG Chow said it is up the Board to decide which option will work for them. One or two people can go on a site visit without it being a violation of the Sunshine Law.

Dr. Downer added that the Task Group option would mean that they would need to be assigned at the next meeting. AG Chow added that assigning and tasking Board Members to a group is going into the gray area of the Sunshine Law. Chair Chapman suggested taking the first two members that volunteer for the site visit.

Chair Chapman is willing to not do site visits.

G. 2015 MEETING DATES

Discussion of proposal to move meeting dates to week days instead of Saturdays to allow other state divisions and the public to participate.

Chair Chapman noted that every year the possibility of Review Board meetings on a weekday is discussed.

Guest Megan Borthwick (Historic Hawaii Foundation) added that weekday meetings would allow more public access, including air-conditioning, and a bathroom for both men and women.

Guest Dan Purcell agreed. The Review Board is the only meeting that is held on a Saturday. Weekday meetings would allow other staff from other departments to attend because they are on-site.

Parking availability on a weekday was brought up.

Souza recommended having the Review Board meeting in the “country”. He also suggested that every airport has a meeting room; and going out into the public such as City Hall or a public library.

AG Chow added that is easier to find a venue if the meetings are held during the weekdays.

Chair Chapman noted that having the meeting at the DLNR Board Room serves as an institutional presence.

Incoming Member Matt McDermott votes for weekday Review Board meetings.

AG Chow suggested the Review Board try a weekday meeting, and see how it works.

Scheduling of remaining 2015 meeting dates

SHPD staff and Review Board members discussed. An affirmative date was not set. More discussion was required. Tentative date to be in July 2015.

Outgoing Review Board appointees were presented with lei, and thanked for their service:

- 1) Wendy Tolleson
- 2) Laura Ruby
- 3) Gary Nakatsuka

Incoming Review Board members were presented with lei:

- 1) Ikaika Bantolina
- 2) Matt McDermott

H. MEETING ADJOURNED

Action: A motion was made by William Souza to adjourn the meeting, seconded by Thomas Lim.

Vote: The Board members voted unanimously to adjourn the meeting.

The meeting adjourned at 3:44 p.m.

Respectfully Submitted,

Cicely Lorenzo-Ganir
Secretary III
State Historic Preservation Division